

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 988 of 1996

in

MISC.CIVIL APPLICATION No 1278 of 1996

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE G.D.KAMAT and  
MR.JUSTICE C.K.THAKKER

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1. Whether Reporters of Local Papers may be allowed to see the judgements?-Yes.
2. To be referred to the Reporter or not?-No.
3. Whether Their Lordships wish to see the fair copy of the judgement?-No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?-No.
5. Whether it is to be circulated to the Civil Judge?-No.

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JAYANTKUMAR GIRDHARLAL SHAH

Versus

BHAVNAGAR MUNICIPAL CORPORATION

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Appearance:

MR JA SHELAT for Petitioner  
MR JR NANAVATI for Respondent No. 1  
Mr.Dhaval C. Dave, AGP, for respondent No.2.

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CORAM : THE CHIEF JUSTICE G.D.KAMAT and  
MR.JUSTICE C.K.THAKKER

Date of decision: 20/09/96

ORAL JUDGEMENT : (Per G.D. Kamat, C.J.)

Admit. Mr.J.R. Nanavati and Mr.Dhaval C. Dave

waive service of notice of admission on behalf of respondents Nos. 1 and 2, respectively. By consent, to be heard forthwith.

Appellant had instituted Special Civil Application No.4848 of 1984. The same was dismissed for default on 22nd July, 1996. The appellant, on the same date, moved an application for restoration of the appeal on the ground that he was arguing a case in another court. However, the application for restoration, vide Miscellaneous Civil Application No.1278 of 1996, was rejected by the learned single Judge on 21st of August, 1996. By consent, the order dated 21st August, 1996 in MCA No.1278 of 1996 and the order dated 22nd July, 1996 in Special Civil Application No.4848 of 1984 are quashed and set aside and Special Civil Application No.4848 of 1984 is restored to file.

Appeal is allowed to the extent indicated, with no order as to costs.

Office is directed to place Special Civil Application No.4848 of 1984 before the appropriate court.

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(apj)